UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,575	07/20/2001	Annie Wang	80398.P449	2214

7590   10/05/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/909,575	WANG ET AL.
	Examiner	Art Unit
	Michael Van Handel	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-92* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-92* is/are rejected.

7)☒ Claim(s) *68* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim **68** is objected to because of the following informalities:

The claim states "the processor is coupled to the processor." The examiner assumes that

the applicant intended the claim to read "the processor is coupled to the profile management

module." The claim is addressed in this office action as though this were the intended language

of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless —
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims **1-80, 85-92** are rejected under 35 U.S.C. 102(e) as being anticipated by Maissel et

al.

Referring to claims **1, 28**, and **53**, Maissel et al. discloses a method for personalizing user

content comprising: monitoring a user's pattern of behavior (p. 3, paragraph 52); and

characterizing a type of user based upon a frequency of a similar pattern of behavior monitored

(p. 10, paragraph 173); wherein a user's profile can be updated according to the type of user and

the user's profile is used to personalize user content (p. 12, paragraphs 213-215, 219)(Figs. 2, 3,

7).

Referring to claims **2, 29, 54,** and **56,** Maissel et al. discloses the methods as set forth in claims 1, 28, 53, and 53, respectively, wherein the user's profile is used to filter content (p. 11, paragraph 188).

Referring to claims **3, 30, 55,** and **57,** Maissel et al. discloses the methods as set forth in claims 1, 28, 53, and 53, respectively, wherein the user's profile is used to update a preference profile, the preference profile used to filter content (p. 10, paragraphs 174-181)(p. 11, paragraph 184).

Referring to claim **4,** Maissel et al. discloses the method as set forth in claim 1, wherein user information content is selected from the group consisting of broadcasts, digitally stored content, media and interactive content (p. 16, paragraphs 263, 264)(p. 23, paragraph 404).

Referring to claims **5** and **58,** Maissel et al. discloses the methods as set forth in claims 1 and 53, respectively, wherein a user's pattern of behavior is selected from the group consisting of a pattern of viewing content and a pattern of accessing content (the examiner notes that Maissel et al. discloses monitoring characteristics of the programs watched as well as the amount of time a program was watched)(p. 10, paragraphs 172, 173).

Referring to claims **6, 31,** and **59,** Maissel et al. discloses the methods as set forth in claims 1, 28, and 53, respectively, wherein the user's pattern of behavior comprises a user's pattern of viewing program content (p. 10, paragraph 172) and said monitoring comprises classifying the user as a type of user (p. 13, paragraph 227) and determining a user profile in accordance with the type of the user and the content viewed (p. 13, paragraph 228, 232).

Referring to claims **7, 32,** and **60,** Maissel et al. discloses the methods as set forth in claims 1, 28, and 53, respectively, wherein the user's pattern of behavior comprises a user's

pattern of viewing program content (p. 10, paragraph 172) and said monitoring comprises

classifying the user as a type of user (p. 13, paragraph 227) and determining user preferences in

accordance with the type of the user and the content viewed (p. 13, paragraph 228, 232).

Referring to claims **8, 33,** and **61,** Maissel et al. discloses the methods as set forth in

claims 1, 28, and 53,respectively, wherein the type of user is selected from the group consisting

of a content surfer and a longtime watcher (the examiner notes that Maissel et al. discloses

determining whether a user prefers to channel surf)(p. 13, paragraphs 227, 228, 232).

Referring to claims **9, 34,** and **62,** Maissel et al. discloses the methods as set forth in

claims 1, 28, and 53, respectively, wherein characterizing the user comprises recognizing at least

one pattern of timing sequences of viewing program content (p. 13, paragraph 227) and

identifying similar viewing patterns a predefined number of times (Maissel et al. discloses that

the surfing information may include details such as how often the user surfs)(p. 13, paragraph

228).

Referring to claims **10, 35,** and **63,** Maissel et al. discloses the methods as set forth in

claims 1, 28, and 53, respectively, wherein if a user is classified as a content surfer, the user's

profile is updated after viewing content for a first period of time (p. 13, paragraphs 227-230), and

if the user is classified as a longtime watcher, the user's profile is updated after viewing content

for a second period of time, the second period longer than the first period (the examiner notes

that Maissel et al. discloses determining whether or not the viewer is a content surfer. Thus, if

the user is a content surfer, the profile is updated after viewing content for less than the threshold

time, whereas if the user is a longtime watcher, the profile is updated after viewing content for

the equivalent of or for more than the threshold time)(Fig. 6).

Referring to claims **11, 18, 36, 43, 64,** and **75,** Maissel et al. discloses the methods as set

forth in claims 1, 28, and 53, further comprising filtering content comprising:

- filtering at a first level to remove content that does not fit into the user's profile (p. 4,

  paragraph 67)(p. 11, paragraphs 185, 188); and

- filtering at a second level to select content corresponding to the user's profile (p. 4,

  paragraph 66)(p. 11, paragraphs 185, 188, 189, 190). Referring to claims **18, 43,** and

  75, Maissel et al. discloses that the viewer preference profile contains information on

  preference strength. The examiner notes that preference strength is an indicator of

  content the viewer is interested in and content the user is not interested in.

Referring to claims **12** and **37,** Maissel et al. discloses the methods as set forth in claims

11 and 36, respectively, wherein the user's profile comprises user preferences (p. 11, paragraph

184).

Referring to claims **13, 19, 38, 44, 65,** and **76,** Maissel et al. discloses the methods as set

forth in claims 11, 18, 36, 43, 64, and 75, respectively, further comprising mapping metadata and

content, wherein content that does not fit into the user's profile is identified by looking at

mapped metadata (p. 9, paragraphs 154-168)(p. 10, paragraph 170)(p. 11, paragraph 184).

Referring to claims **14, 21, 39, 46,** and **66,** Maissel et al. discloses the methods as set

forth in claims 1, 28, and 53, further comprising managing a plurality of profiles (p. 11,

paragraph 184), comprising:

- storing at least a portion of a current profile, the at least a portion corresponding to a

  specified device (p. 12, paragraph 206);

- identifying a selected profile; and

- loading at least a portion of the selected profile corresponding to the specified device, wherein the specified device operates at least in part in accordance with the at least a portion of the selected profile (p. 11, paragraph 204).

Referring to claims **15**, **22**, **40**, **47**, and **69**, Maissel et al. discloses the methods as set forth in claims 1, 21, 28, 46, and 53, respectively, further comprising controlling a device using at least a portion of a profile comprising:

- storing at least a portion of a current profile, the at least a portion corresponding to the device (p. 12, paragraph 206);

- identifying a selected profile; and

- loading at least a portion of the selected profile corresponding to the device wherein identifying is responsive to a user input (p. 10, paragraph 171)(p. 11, paragraph 204).

Referring to claims **16**, **41**, **48**, and **72**, Maissel et al. discloses the methods as set forth in claims 1, 28, and 53, further comprising storing the user's profile on a removable media such that the media may be coupled to an alternate device, the alternate device responsive to the user's profile (p. 11, paragraph 204).

Referring to claims **17**, **42**, and **73**, Maissel et al. discloses the methods as set forth in claims 16, 41, and 72, respectively, wherein the alternate device is responsive to the components of the profile within the alternate device's capabilities (p. 11, paragraph 204).

Referring to claims **20** and **45**, Maissel et al. discloses the methods as set forth in claims 18 and 43, respectively, wherein filtering at the second level corresponds to a current user's behavior profile session (p. 11, paragraphs 188, 189).

Referring to claims **23, 48, 85,** and **90,** Maissel et al. discloses a method for utilizing at least one profile of at least one user, the method comprising:

-   storing the at least one profile on a removable media (p. 12, paragraph 206);

-   coupling the removable media to a device; and

-   configuring operation of the device in accordance with device components of the at least one profile (p. 11, paragraph 204).

Referring to claim **90,** the examiner notes that a media port and a controller coupled to the media port are inherent to the aforementioned functions.

Referring to claims **24, 49,** and **86,** Maissel et al. discloses the methods as set forth in claims 24, 48, and 85, respectively, wherein the device components are a subset of all the components of the behavior profile (the examiner notes that Maissel et al. discloses customizing a program guide based, in part, on the viewer preference profile)(p. 5, paragraph 93).

Referring to claims **25, 50, 87,** and **91,** Maissel et al. discloses the methods as set forth in claims 24, 48, 86, and 90, respectively, wherein the device components are selected as those applicable to the device (the examiner notes that it is inherent that the loading apparatus would only load those components that the device is able to read)(p. 11, paragraph 204).

Referring to claims **26, 51,** and **88,** Maissel et al. discloses the methods as set forth in claims 23, 48, and 85, respectively, further comprising removing the media from the device and coupling the media to an alternate device, wherein the operation of the alternate device is configured in accordance with alternate device components of the at least one behavior profile (p. 11, paragraph 204).

Referring to claims **27, 52,** and **89,** Maissel et al. discloses the methods as set forth in

claims 26, 51, and 88, respectively, wherein the device components are different from the

alternate device components (the examiner notes that it is inherent that the loading apparatus

would only load those components that the device is able to read. Thus, Maissel et al. as cited

discloses that the device components are different from the alternate device components)(p. 11-

12, paragraphs 204, 205).

Referring to claim **67,** Maissel et al. discloses the system as set forth in claim 66, wherein

processor comprises the profile management module (p. 9, paragraph 152).

Referring to claim **68,** the examiner assumes that the applicant intended the claim

language to read as described in the claim objections above. As such, Maissel et al. discloses the

system as set forth in claim 66, wherein the processor is coupled to the profile management

module (p. 9, paragraph 152).

Referring to claims **70** and **71,** Maissel et al. discloses the system as set forth in claims 69

and 66, respectively, wherein the processor comprises the device controller and the device

controller is coupled to the processor (p. 9, paragraph 152)(p. 10, paragraph 169)(p. 11,

paragraph 184)(Fig. 2).

Referring to claim **74,** Maissel et al. discloses the system as set forth in claim 53, wherein

the processor is part of a system selected from the group consisting of a service provider, a set

top box, a computer system, a broadcast receiver and a data receiving device (p. 9, paragraphs

151, 152).

Referring to claim **77**, Maissel et al. discloses the filter as set forth in claim 75, wherein filtering at the second level corresponds to a current user's preferences session (p. 11, paragraphs 188, 189).

Referring to claim **78**, Maissel et al. discloses the filter as set forth in claim 75, wherein the filter accesses profiles of a plurality of users and the first level filter is configured to remove content that does not fit into the plurality of user profiles (p. 11, paragraphs 184, 185, 188).

Referring to claim **79**, Maissel et al. discloses the filter as set forth in claim 75, wherein the filter is part of a system selected from the group consisting of a service provider, a set top box, a computer system, a broadcast receiver and a data receiving device (p. 9, paragraphs 151, 152)(p. 11, paragraph 184).

Referring to claim **80**, Maissel et al. discloses the filter as set forth in claim 75, further comprising storage media, wherein the first level filter deletes content from the storage media (p. 9, paragraph 152)(p. 11, paragraph 188).

Referring to claim **92**, Maissel et al. discloses the device as set forth in claim 90, wherein the device is part of a system selected from the group consisting of a set top box, a computer system, a broadcast receiver and a data receiving device (p. 9, paragraph 151).

4.   Claims **81-84** are rejected under 35 U.S.C. 102(e) as being anticipated by De Greef et al.

Referring to claim **81**, De Greef et al. discloses a device comprising:

-   an operating module configured to control operation of the device responsive to a current user profile (col. 11, l. 15-25);

-   an input configured to receive a selection of an alternate profile;

-    a storage media configured to store the current profile in response to the selection of

an alternate profile;

-    a loader configured to load the alternate profile wherein the device operates at least in

part in accordance with the alternate profile (col. 7, l. 51-65).

Referring to claim **82**, De Greef et al. discloses the device as set forth in claim 81,

wherein the input accepts user input (col. 11, l. 22-25).

Referring to claim **83**, De Greef et al. discloses the device as set forth in claim 81,

wherein the input comprises a plurality of buttons selectable by the user (Figs. 1-3).

Referring to claim **84**, De Greef et al. discloses the device as set forth in claim 81,

wherein the device is selected from the group consisting of consumer electronics devices,

devices that access interactive services, broadcast receivers, set top boxes and media devices

(col. 4, l. 35-47).

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Bedard discloses a method and apparatus for monitoring a viewer's viewing activities and

configuring the display of an EPG in accordance with the viewer's viewing preferences.

Gill et al. discloses a subscriber profile that will monitor a subscriber's viewing behavior

to determine the subscriber characterizations including preferred channels and the types or

categories of television programming that the subscriber prefers on those channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
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